IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 523 OF 2001

IN

ARBITRATION PETITION NO. 403 OF 2000

Minalk Paresh Shah ... Appellant
(Orig. petitioner)

Versus

Mrs. Prabhaben Maganlal Shah & Ors. Respoondents
(Orig. Respondents)

Ms. M.V.Thakker i/b. R.V.Thakker for the appellant.
Mr. M.N.Kania for respondent No.1.
Mr. N.S. Jain i/b. S.K.Jain for Respondents 2 to 6.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.
DATE : 4th September, 2007.

P.C.

1. By consent of the learned Counsel for the appellant and respondent No.1, the Appeal is disposed of in the following terms :-

(i) The order imugned in the Appeal passed by the learned Single Judge dated 5.2.2001 is set aside. Similarly, the award made by the arbitrator which was challenged in the Arbitration Petition No.403 of 2000 is also set aside.

(ii) Shri Batuk H. Vyas, Advocate, High Court, having his office at Shree Mahavir Chambers, 4th Floor, 1/5 Banaji Street, Fort, Mumbai 400 001 is appointed as an Arbitrator. The disputes between the parties are referred to Shri Batuk H.Vyas, Arbitrator, for decision in accordance with law.

(iii) It is agreed that before the learned Arbitrator, the present appellant will be the claimant and the present respondent No.1 will be the respondent.

Appeal disposed of.

--

(D.K.DESHMUKH,J)

(J.H.BHATIA,J.)